

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,
Plaintiffs,

vs.

E.I. DUPONT DE NEMOURS AND
COMPANY and PIONEER HI-BRED
INTERNATIONAL, INC.,
Defendants.

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Case No. 4:09CV00686 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Defendants E.I. Du Pont De Nemours and Company and Pioneer Hi-Bred International, Inc.’s (collectively, “Defendants”) Motion for Partial Summary Judgment of Claims Regarding Corn Products (Counts I, VIII and IX and Counterclaim Counts Eight and Eleven) [ECF No. 1085].

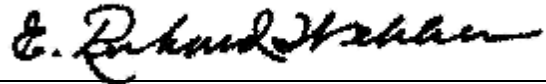
In light of Plaintiffs Monsanto Company and Monsanto Technology LLC’s (collectively, “Monsanto”) response [ECF No. 1169] to Defendants’ E.I. Du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc.’s (collectively, “Defendants”) Motion for Partial Summary Judgment of Claims Regarding Corn Products [ECF No. 1085], the Court will dismiss with prejudice Monsanto’s claims regarding corn products. Defendants may renew their request for attorneys’ fees and costs from litigating these claims after the jury returns its verdict in the patent/contract trial scheduled to commence July 9, 2012.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion [ECF No. 1085] is **DENIED** as **MOOT**.

IT IS FURTHER ORDERED that Monsanto's claims regarding only corn products (Count I, Patent Infringement, ¶ 65; Count VIII, Breach of Contract -- Corn License Agreement, ¶¶ 110-116; Count IX -- Corn License Agreement, ¶¶ 117-122 [ECF No. 4]) are **DISMISSED WITH PREJUDICE**.

Dated this 5th day of June, 2012.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written above a horizontal line.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE